IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.286 OF 2006
IN
SUIT NO.2643 OF 1987

Mubarakunnisa w/o Mohammed Naseem
since deceased through heirs and LRs Plaintiffs

versus

Minuddin Mohd. Usman Khan
and others Defendants

Mr.A.N.Maniyar for plaintiffs.

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th April 2006

PC :

1. Shri Maniyar appearing for the plaintiff makes a statement that the Chamber Summons has been served on the defendants and he will file an affidavit proving service of the same within one week from today.

2. In the affidavit in support it is pointed out that as far as description of the immovable properties are concerned, the same are described

more particularly in Annexure-A to the plaint. However, one immovable property namely agricultural land in the State of Uttar Pradesh has not been included although it is mentioned in item no.9 in the said annexure but specifications and details including survey/gat numbers are not set out. Therefore, it is only with regard to incorporation of these details, that the plaint is sought to be amended. No prejudice will be caused as the property is sufficiently described in the plaint as well as above mentioned annexure.

3. I am satisfied that the amendment does not change the cause of action nor does it in any manner take away any accrued rights. It is formal in nature. Chamber Summons is, therefore, made absolute in terms of prayer clause (a). Amendment to be carried out within a period of two weeks. No order as to costs.

(S.C.DHARMADHIKARI, J.)